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9 Counsel for Defendant WOSS Enterprises, LLC

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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13

14 FITNESS ANYWHERE LLC,
15 Plaintiff,
16 vs.
17 WOSS ENTERPRISES LLC
18 Defendant.
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Case No. C 14- 01725 BLF

**H. MICHAEL BRUCKER DECLARATION IN
SUPPORT OF PLAINTIFF'S MOTION TO
WITHDRAW AS COUNSEL FOR
DEFENDANT**

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I, H. Michael Brucker, declare as follows:

1. I am an attorney licensed to practice in the State of California, in this and other United States courts, and in the United States Patent and Trademark Office (USPTO). I am counsel of record for Plaintiff WOSS Enterprises.

I have personal knowledge of the facts set forth herein and, if called as a witness, I could and would testify competently thereto.

2. On May 18, 2017, Defendant filed for Chapter 7 bankruptcy, placing the Defendant in the hands of and under control of the Bankruptcy Trustee, Sarah Little.

3. Shortly after the bankruptcy was filed and the Trustee appointed, discussions were initiated with the Trustee in an effort to arrange for Movants to represent the estate in this matter but the Trustee stopped responding to Movants' communications and no arrangement was ever reached.

4. The Bankruptcy Trustee has been essentially non-responsive to Movants' communications since July 2017 and has not responded to Movants' specific requests for authorization to act on behalf of Defendant regarding suggested post-trial motions in this case.

5. Movants have been informed that the estate of the Defendant is without assets to pay Movants for their services going forward or to pay any of the approximately \$300,000 in fees owed to Movants prior to Defendant going into bankruptcy.

6. The Bankruptcy Trustee was notified on June 27, 2018 of Movants' intention to withdraw in the absence of an acceptable fee arrangement and cooperation of the Trustee. No response has been received.

1 I declare under penalty of perjury that the foregoing is true and correct to the best of my
2 knowledge. Executed on September 5, 2018 in Emeryville, California.
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5 H. Michael Brucker Law Corporation
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7 /s/ H. Michael Brucker
8 H. Michael Brucker
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